

# FARMINGTON POLICE DEPARTMENT

## POLICY AND PROCEDURE



<b>Policy Number:</b> 241-03	<b>Effective Date:</b> 03-19-2015
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<b>Subject:</b> Motor Vehicle Pursuit
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<b>Approved by:</b>
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<b>Steven D. Hebbe, Chief of Police</b>



### **PURPOSE:**

To establish written guidelines governing the pursuit of motor vehicles.

### **POLICY:**

It is the policy of the Farmington Police Department to initiate a motor vehicle pursuit only when an officer has reasonable grounds to believe the offender presents a clear and immediate serious threat to the safety of other motorists or the general public or, in the alternative, when the offender has committed or is committing a violent felony.

Therefore, a motor vehicle pursuit will only be initiated or continued when it is necessary to apprehend suspects who pose an imminent or serious danger to the general public should the fleeing occupants be left at large, and where such a pursuit does not create a greater threat of harm to the citizens of this community.

### **PROCEDURE:**

#### **Definitions:**

##### **The following definitions shall apply for the purpose of this policy:**

**Motor Vehicle Pursuit:** An active attempt by a law enforcement officer, operating an authorized emergency vehicle, to apprehend one or more occupants of a motor vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the posted speed limit, disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics. A visual and audible signal must be given by the officer directing the operator to stop.

**Primary Pursuit Vehicle:** The police vehicle operated by the officer initiating the pursuit or another police vehicle which assumes the lead pursuit position.

**Secondary Pursuit Vehicle:** The police vehicle which becomes involved in the pursuit immediately following the primary pursuit vehicle and acting as the primary pursuit vehicle's backup.

**Violent Felony:** Homicide, criminal sexual penetration, armed robbery, kidnapping/false imprisonment, felony aggravated battery inflicting great bodily harm, and aggravated assault with a firearm or motor vehicle.

A pursuit of a known suspect, who has an active felony arrest warrant for any of the above listed violent felonies, is permissible if it is deemed immediate apprehension outweighs the risks of allowing the subject to remain free at large.

**Clear and Immediate Serious Threat:** A threat which is present prior to the pursuit and which represents a willful disregard by the operator or occupants of the vehicle for the rights and safety of others, which reasonably places the public in imminent danger of great bodily harm or death. The continuing, patently unsafe operation of a vehicle by an apparent impaired driver may be considered as an example of a clear and immediate serious threat.

Other than as defined above, motor vehicle pursuits for any other felony or misdemeanor crimes, or common traffic violation(s) are prohibited.

### **Guidelines and Considerations:**

Pursuits must be considered as a potentially dangerous act for the officer(s) and the suspect, as well as the general public. When a police officer initiates a pursuit of a fleeing vehicle, they may have a tendency to consider only themselves and/or the occupants of the fleeing vehicle. This is not an adequate mindset.

It must be remembered that other citizens using public roadways do not expect their travel to be interrupted by a high-speed, motor vehicle pursuit which may cause them to become involved in an accident due to over-reaction or sudden panic. In addition, children at play, as well as other pedestrian traffic, are likely to be drawn towards a police vehicle with the emergency lights and siren activated.

In order to diminish the likelihood of a pursuit, officers intending to stop a motor vehicle should, whenever possible, be within close proximity to the violator's vehicle before activating the police vehicle's emergency lights to initiate a traffic stop. This practice is intended to reduce the violator's temptation to elude police contact. This practice does not absolve an officer from using reasonable and safe driving techniques while attempting to narrow the distance between the officer and the offender before activating emergency lights.

Motor vehicle pursuits are governed by New Mexico State statute, 66-7-6, Authorized Emergency Vehicles, which states the following: The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The chief of the New Mexico State Police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles. The driver of an authorized emergency vehicle may: (1) park or stand, irrespective of the provisions of the Motor Vehicle Code 1-8 of Chapter 66, except 66-7-102.1 NMSA; (2) proceed past a red or stop signal of stop sign, but only after slowing down as necessary for safe operation; (3) exceed the maximum speed limits so long as he does not endanger life or property, and; (4) disregard regulations governing direction of movement or turning in specified directions. The exceptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor does it protect the driver from the consequences of their reckless disregard for the safety of others.

## **Initiating Officer's Responsibilities:**

The responsibility for the decision to initiate a motor vehicle pursuit rests with the initiating officer. The initiating officer shall at all times operate in strict compliance with this policy and Section 66-7-6 of New Mexico State Statute, which grants exemptions from certain traffic laws to operators of authorized emergency vehicles.

An officer may initiate a high speed pursuit to apprehend a suspect only when the officer has reasonable grounds to believe the suspect poses a clear and immediate threat of death or serious injury to others. Or, when the officer has probable cause to believe that the suspect poses a clear and immediate threat to the safety of others, which is ongoing and which existed prior to the officer's attempt to initiate a traffic stop.

An officer shall not initiate or continue a high-speed pursuit when the immediate dangers which are created by the high speed pursuit exceed the dangers presented to the officer(s) and/or the general public if the occupants of the motor vehicle being pursued were to remain at large.

The primary concern in pursuit situations is the protection and safety of our citizens and officers. Death or permanent injury to either can result without warning. The seriousness of the possible outcome of a pursuit commands the police officer to weigh many factors when deciding whether or not to initiate a pursuit.

This decision is based on known circumstances and includes, but is not limited to, the following:

1. The initiating officer has probable cause to believe a violent felony has been, or is being, committed;
2. The initiating officer has reasonable grounds to believe that the suspect presents a clear and immediate serious threat to the safety of others;
3. The necessity of immediate apprehension outweighs the level of inherent danger created by the pursuit;
4. Knowledge of the suspect's identity, possible destination and previous activities which make apprehension at a later time feasible;
5. The geographic location, time of day, and present population density, taking into consideration, school zones, residential streets, congested business districts, etc.;
6. Traffic volume and road conditions;
7. Pedestrian traffic and volume;
8. Weather conditions;
9. Driving actions or operation of the suspect vehicle;
10. Condition of the police vehicle.

## **Pursuit Initiation Procedures:**

Prior to engaging any emergency equipment to effect the stopping of a vehicle, the officer should attempt to note the license plate number and vehicle description.

Any officer initiating a motor vehicle pursuit shall notify the Communications Center, as soon as reasonably possible, that a motor vehicle pursuit is underway and provides the following information:

1. The officer, identified by call number, is in pursuit;
2. The specific articulated reason for the pursuit, including the type of violation which initiated the pursuit;
3. The location, direction of travel, surrounding traffic conditions (i.e. light, moderate or heavy) and the speed of the vehicle being pursued;
4. The description of the vehicle being pursued, including the license plate number and state of issuance, if known;
5. The number, approximate age and description of occupants of the vehicle being pursued, if known;
6. If a hostage is involved, this fact, along with description and exact location of the hostage in the vehicle, if known;
7. Any additional information requested by the field supervisor.

Failure to transmit the above information listed in numbers 1-5, may be cause for the immediate termination of a motor vehicle pursuit by the shift supervisor.

All pursuits shall be conducted using the police vehicle's emergency lights and siren (which automatically activates the in-car audio/video recording system), and shall be used continuously throughout the pursuit.

## **Field Supervisor's Responsibilities:**

Upon being notified of a motor vehicle pursuit, the shift supervisor verifies the following information with the Communications Center and determines:

1. Identification numbers of all police vehicles involved in the pursuit;
2. Location and direction of travel;
3. The reason the pursuit was initiated;
4. Ensure the pursuit is in compliance with this policy;
5. Assist the primary unit with the necessary support requested;

6. Request aerial assistance, if available;
7. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle.

The shift supervisor continuously monitors and, when appropriate, directs the pursuit, determining the merits of the pursuit based on the information available. Supervisors have the ultimate responsibility and authority for the decision to continue or terminate the pursuit. A pursuit will not continue without the expressed verbal acknowledgement and/or authorization of the shift supervisor.

This does not relieve the officer(s) involved in the pursuit from exercising good judgment, based on existing conditions and Department policy and procedure, to make the decision to terminate the pursuit.

### **Secondary Pursuit Vehicle Responsibilities:**

An officer may not enter a pursuit without first activating their police vehicle's emergency lights and siren. In addition, they must notify the Communications Center of their entry into the pursuit immediately.

No officer enters a pursuit in which two police vehicles are already involved, unless otherwise authorized by the shift supervisor.

The secondary pursuit vehicle maintains a safe distance behind the primary pursuit vehicle, but remains close enough to render immediate back-up assistance and retain visual contact. They must avoid intersecting the path of any on-coming pursued vehicles.

If the secondary pursuit vehicle assumes the primary pursuit vehicle position, they will immediately notify the Communications Center.

### **Pursuit Operation Procedures:**

The initiating pursuit vehicle is responsible for the conduct of the pursuit, unless such vehicle is unable to remain close enough to the pursued vehicle to prevent losing visual contact or becomes disabled. When a secondary pursuit vehicle replaces the initial pursuit vehicle, that unit becomes the primary pursuit vehicle. The replacement unit is then responsible for the pursuit and continues in that capacity until the pursuit is terminated or the primary pursuit vehicle is again replaced. The primary pursuit vehicle retains operational responsibility for the pursuit, unless relieved by a shift supervisor.

The authority of the primary pursuit vehicle is, at all times, subordinate to the command of the shift supervisor.

Officers should broadcast all geographical directions utilizing north, south, east and west. (Providing directions, such as: left, right, oncoming or towards a landmark should be avoided, when possible).

The primary pursuit vehicle provides updated information to the Communications Center concerning the direction of travel, speed and pursued vehicle's actions, as such information becomes available, or until radio communications are relinquished to a secondary pursuit vehicle.

The primary pursuit vehicle will relinquish radio communications upon the engagement of a secondary pursuit vehicle. The secondary vehicle will then be tasked with communicating all pertinent information and pursuit updates to the Communications Center. This is done in order to allow the primary pursuing officer to safely operate their vehicle, while simultaneously concentrating their focus on the fleeing vehicle's actions. If the primary pursuit vehicle is a two-man unit, the passenger officer will operate radio communications, whenever possible.

The Communications Center continuously updates the shift supervisor and other field units of the direction and progress of the pursuit, by repeating all relevant information received from the pursuit vehicles over the primary radio channel. Additional transmissions and irrelevant radio traffic should not be repeated unnecessarily. Only officers directly involved in the pursuit, the shift supervisor, primary dispatcher and officers initiating deployment of tire deflation devices, shall broadcast radio traffic during a motor vehicle pursuit. All other personnel shall monitor the pursuit, but will refrain from broadcasting radio transmissions, unless absolutely necessary.

The pursuing officer(s) will continuously evaluate the nature of the pursuit, in light of changing conditions and currently present dangers and makes a decision, whenever necessary, to terminate the pursuit.

In the event the pursued vehicle begins driving in a direction opposite of the flow of traffic, the pursuing officer(s) shall not follow the driving behavior, but instead remain in the designated lane of travel for the direction of traffic flow and broadcast a detailed observation of the pursued vehicle's driving behavior.

Under no circumstances will officers pursue in an operating school zone.

Upon stopping a pursued vehicle, officers will use high risk stop (felony stop) procedures, if possible.

#### **Utilization of Aerial Assistance during Pursuits:**

An aerial unit cannot assume the role of primary pursuit vehicle under the New Mexico Motor Vehicle Code, and acts in an observation role only. The aerial unit will notify the Communications Center of their entry into the pursuit immediately.

Once aerial assistance has responded and has a visual on the pursued vehicle, the field supervisor will determine to continue the motor vehicle pursuit or to terminate.

Pursuit modes as related to the utilization of aerial assistance during motor vehicle pursuits:

**Active Pursuit Mode:** The role of aerial unit during a motor vehicle pursuit is to assist and coordinate field unit activities. The aerial unit is responsible for monitoring and broadcasting pursuit information such as traffic hazards, actions of the suspect(s) and any other pertinent information. If practical, the aerial unit shall videotape the pursuit for evidentiary, tactical and training purposes.

Overall control of the pursuit shall remain with the primary pursuit vehicle and field supervisor.

**Tracking Mode:** If the motor vehicle pursuit is terminated, the aerial unit may, at the discretion of the supervisor, act as the primary observation unit, continuing to track/monitor the suspect vehicle from the air.

The aerial unit will relay the progress of the vehicle to the ground units. The ground units will then be utilized to tactically apprehend the offender(s).

When the aerial unit is involved in a pursuit utilizing the Tracking Mode, pursuit vehicle(s) actively involved in the pursuit will shut down emergency equipment and cease emergency driving activities and terminate the pursuit.

The supervisor will determine how many units are needed in order to track the vehicle based upon the information given by the aerial unit.

With direction from the aerial unit, the supervisor will direct and control ground units in a manner which increasingly constricts the perimeter surrounding the vehicle in order to apprehend the offender(s).

The aerial unit will broadcast the direction of travel of the pursued vehicle.

The aerial unit will notify the supervisor if ground units are still following the suspect vehicle.

### **Caravanning:**

No additional officer(s) will enter a motor vehicle pursuit in which two police vehicles are already involved, unless otherwise authorized by the shift supervisor. The monitoring supervisor may enter into the pursuit or authorize an additional vehicle to become involved, if deemed appropriate, based on the circumstances and/or type of crime involved.

Assisting officers may respond to the area of the pursuit in an attempt to prevent roadway traffic and pedestrians from becoming inadvertently involved in the pursuit, deter the offender, as possible, from areas and roadways which are congested or which constitute areas or roadways involving a patently greater risk to un-involved persons. Assisting units may be utilized in the stopping of the pursued vehicle. Assisting officers will be alert to the progress of the pursuit and the location.

The assisting officers will respond as quickly and safely as possible, utilizing emergency lights and sirens as is reasonable necessary. When doing so, officers shall use increased caution in their response, weighing the need for the expedited response against the hazards presented to other vehicles, pedestrians, and un-involved persons. Officers may choose to resume normal driving methods and speeds when the risk of the continued emergency response outweighs the inherent risks faced by persons involved in the incident. If, in the course of an emergency response, an officer receives additional information that tends to significantly lessen the degree of the emergency or negates a continued emergency response, the officer shall de-activate his or her emergency equipment and return to normal, law-abiding driving procedures. Officers will operate within statutory limitations while exercising the privileges set forth in section 66-7-6 of the Motor Vehicle Code regarding exemptions to certain laws.

### **Vehicles Qualified To Enter a Pursuit:**

Only police vehicles equipped with emergency lights and siren are to enter a pursuit. Police vehicles not so equipped should attempt to maintain visual contact with any fleeing vehicle, without using excessive speed and will provide all relevant information to the Communications Center.

Police motorcycles should not initiate a motor vehicle pursuit unless absolutely necessary to public safety and will immediately disengage upon engagement of a marked patrol vehicle, and shall never engage in an in-progress pursuit.

**ABSENT A DEFINITIVE, LIFE OR DEATH NEED, WHERE LIVES ARE AT STAKE AND IN WHICH IMMEDIATE ACTION IS LIKELY TO SUCCESSFULLY SAVE THE LIFE OF AN INNOCENT PERSON OR PERSONS, POLICE OFFICERS SHALL NOT ENTER A PURSUIT WITH NON-SWORN PERSONNEL IN THE POLICE VEHICLE.**

For example, the known kidnapping of a child victim by a predatory offender may warrant immediate action in order to save the life of the child and the need for immediate action outweighs the potential hazards subjected upon the officer's passenger. In such circumstances where an officer decides to enter into a pursuit action, due to life and death urgency, the officer is encouraged, where possible, to seek supervisory approval of such action prior to engaging in the pursuit. Officers exercising the option to engage in a pursuit, due to life or death urgency, while having a passenger in the vehicle, shall disengage at the first opportunity to do so upon the first availability of any other law enforcement vehicle able to replace his or her vehicle in the pursuit.

Officers with prisoners or subject(s) being transported in their police vehicle will not initiate or join a motor vehicle pursuit.

**Communications Center Responsibilities:**

Immediately upon being advised of the initiation of a motor vehicle pursuit, the dispatcher operating the primary radio channel signifies a "10-33 Traffic" (emergency radio traffic only), in order to notify all field units.

The Communications Center, as soon as reasonably possible, notifies the field supervisor of the pursuit. The dispatcher operating the primary radio channel monitors all radio communications pertaining to the pursuit and enters all relevant information into the Computer Aided Dispatch System.

The Communications Center performs all relevant record and motor vehicle checks on the pursued vehicle, as well as on the registered owner, as the information necessary to perform such checks becomes available.

Should a pursuit from another jurisdiction nears or enters the Farmington Police Department jurisdiction, the Communications Center immediately notifies all field units and the field supervisor, providing all available information pertaining to the pursuit. The closest available unit is dispatched to assist.

If a pursuit leaves or enters the Farmington Police Department jurisdiction and the pursuit directly involves more than one agency, the shift supervisor may request the channels of both affected agencies be joined ("patched") to ensure all relevant pursuit information is relayed to all assisting officers/deputies and supervisors.

**Pursuits Leaving Farmington Police Department Jurisdiction:**

The shift supervisor has the responsibility of determining if the pursuit should continue into another jurisdiction. The pursuing officer(s) does not make presumptions on this matter.

If it is determined that the pursuit should be continued into another agency's jurisdiction the shift supervisor notifies the Communications Center and requests assistance from the agency whose jurisdiction the pursuit is entering.

Should a law enforcement vehicle from the affected jurisdiction actively enter the pursuit, the Farmington Police Department vehicle will remain in the primary pursuit position, while the affected jurisdiction assumes the secondary pursuit vehicle position and responsibilities whenever it is safely possible to do so. This is to ensure accurate direction of travel is broadcast pertaining to the motor vehicle pursuit. The affected jurisdiction may have geographical knowledge which Farmington Police Department units do not.

Participation in the pursuit by Farmington Police Department vehicle(s) is terminated by the officer under any of the following circumstances, unless otherwise directed by a shift supervisor:

1. Radio contact with the Communications Center or affected agency's units is lost, or becomes inaudible;
2. The Farmington Police Department units, unassisted by other agencies' units, enter any area unfamiliar to them that could result in the officer being unable to notify the Communications Center of their exact location.

#### **Pursuits Entering Farmington Police Department Jurisdiction:**

When a pursuit by another agency enters the city of Farmington, the shift supervisor will determine direct involvement or maintenance of the pursuit.

The shift supervisor is responsible for ensuring the department pursuit policy is adhered to before officers enter into the pursuit. If the pursuit meets the standards of this policy the officer will:

1. Enter the pursuit assuming the secondary pursuit vehicle responsibilities, when safe to do so;
2. Immediately notify the Communications Center of their entry into the pursuit;
3. Adhere to the standards of this policy until the pursuit is terminated.

When another agency's pursuit does not meet the standards of this Department's policy, active participation will be prohibited. However, any appropriate and reasonable type of assistance extended to the agency will be given when requested by the agency involved and will be restricted to the following measures:

1. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit;
2. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved;
3. Containment and preservation of the location where a pursuit is terminated, if it is within the jurisdiction of the Farmington Police Department.

4. Assistance with securing, transporting, or lawfully detaining offenders, as needed, on behalf of the pursuing agency or, assistance with apprehending offenders present at the termination of the pursuit or who have fled from the scene.

### **Forcible Stopping of Motor Vehicles:**

[See Policy and Procedure #261-14, Forcible Stopping of Motor Vehicles.](#)

### **Termination of the Pursuit:**

As previously stated, the decision to terminate a pursuit rests with both the primary pursuit officer and the shift supervisor.

The officer and the shift supervisor are neither criticized nor disciplined for their decision to terminate a pursuit based on their sound judgment. A pursuit should be terminated under any of the following circumstances:

1. In the opinion of the primary pursuit officer or the field supervisor there is a clear and unreasonable danger to the officer(s), the general public, and/or suspect, which is created by the pursuit and which outweighs the necessity of immediate apprehension;
2. The identity of the suspect or suspects has been established to the point that later apprehension can be accomplished and there is no longer a need for immediate apprehension;
3. The traffic, roadway and/or environmental conditions create a dangerous or hazardous condition for the pursuit;
4. The officer knows or is reasonably certain that the pursued vehicle is operated by a juvenile and there are not conditions constituting a clear and immediate threat to the general public, such as driving while intoxicated, and the safety factors involved are considered greater than a juvenile can cope with;
5. The pursuit vehicles are no longer in visual contact with the pursued vehicle, or the distance between the pursuit vehicle and the fleeing vehicle is so great that further pursuit is senseless.

Upon termination of a motor vehicle pursuit, the pursuing unit(s) will deactivate all emergency equipment and obey all applicable traffic laws. It is recommended that officers continue the operational recording on their in-car audio/video systems for at least one minute after termination of a pursuit.

If a supervisor terminates a pursuit, that supervisor will instruct the pursuing officer(s) to meet at a specific location. The supervisor will obtain all information regarding the pursuit from the officer(s) involved.

### **Documentation of the Pursuit:**

Following the termination of all pursuits, the primary officer responsible for the incident will complete a Response to Aggression Vehicle Pursuit Report and an offense incident report, along with any other appropriate paperwork. Likewise, any other officer(s) actively involved in pursuing the suspect vehicle, will complete supplemental incident reports documenting their participation.

Following the completion of all motor vehicle pursuits, the shift supervisor collects copies of all documentation generated as a result of the pursuit. Such documentation may include, but not be limited to, the Computer Aided Dispatch Incident Card printout, dispatch audio recording, offense incident reports and supplemental offense reports, accident reports, charging documents and/or booking sheets.

Supervisors shall critique each pursuit action regarding adherence to Departmental Policy. The shift supervisor reviews all documentation in regards to the pursuit and forwards their recommendations through the chain of command via the AIM System. The Deputy Chief of Operations conducts an initial review of the documentation to determine whether the incident warrants further review, in compliance with the Incident Review Board policy.

**Annual Review and Analysis:**

A documented analysis of all motor vehicle pursuit reports is conducted annually by the Professional Standards Lieutenant. A review of the Policy and reporting procedures will be included in the analysis. The purpose of the analysis and review is to reveal any possible patterns or trends that indicate training needs or policy and procedure modifications.